UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1994/5
30 May 1994

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

MOROCCO

1. The Committee considered the initial report of Morocco (E/1990/5/Add.13) at its 8th, 9th and 10th meetings held on 5, 6 and 10 May 1994 and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee thanks the State party for the submission of its report and for the additional information provided by the delegation in response to the Committee's questions and comments.

B. Positive aspects

3. The Committee takes note with satisfaction of the information provided by the representative of the State party with regard to the adoption of a revised Constitution in September 1992 and the various measures introduced in this new Constitution, including in particular the establishment of a Constitutional Council and an Economic and Social Council.

1/ At its 26th and 27th meetings, held on 19 and 20 May 1994.

4. The Committee appreciates the measures taken to reduce the effects of structural adjustment programmes on the most vulnerable sectors of society and measures taken by the State party to reduce the level of poverty in the country. Efforts to improve the enjoyment of the right to adequate housing are also appreciated.

5. The Committee welcomes the efforts made by the State party in the field of health services resulting in the reduction of infant and maternal mortality rates, as well as the adoption of a National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children.

6. The Committee takes note of the increase in the level of school attendance, the efforts to reduce illiteracy and the measures to ensure vocational training for school drop-outs.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes that the development process towards modernization has not equally affected all sectors and areas of society and has aggravated economic, social and cultural disparities between traditional and modern sectors, among the various income groups, between rural and urban areas, as well as between male and female population.

8. It observes that economic difficulties, including the persistence of poverty, high unemployment and the servicing of the external debt have had a constraining influence on the application of the Covenant.

9. Other difficulties noted by the Committee relate to the contradiction between the obligations set forth under the Covenant and various provisions relating to the civil law status governed by the Code of Personal Status (mudawana) which is partly based on religious precepts and falls within the King's competence. The Committee considers that when a State has ratified the Covenant without making any reservations, it is obliged to comply with all of the provisions of the Covenant. It may therefore not invoke any reasons or circumstances to justify the non-application of one or more articles of the Covenant, except in accordance with the provisions of the Covenant and the principles of general international law.

D. Principal subjects of concern

10. As regards Western Sahara the Committee is concerned that the right to self-determination has not been exercised and expresses its hope that it will be exercised in full compliance with the provisions of article 1 of the Covenant, in accordance with plans approved by the United Nations Security Council. The Committee expresses its preoccupation about the negative consequences of the Western Sahara policy of Morocco for the enjoyment of the economic, social and cultural rights of the relevant population, particularly through population transfer.

11. In view of the obligations arising out of article 2 to guarantee the exercise of the rights enunciated in the Covenant without discrimination of any kind, the Committee expresses concern about the persistence, in the State

party, of a "dual" society characterized by disparities in the level of modernization and enjoyment of economic, social and cultural rights which particularly affect persons living in rural areas. These disparities are particularly evident in the existence of marked differences in the levels of school attendance. According to the report submitted by the State party, the rate of primary school attendance in the urban areas is double that of the rural regions.

12. In the same respect, the Committee is concerned with the extent to which women enjoy the rights contained in the Covenant, in particular as regards matters arising under articles 6, 7, such as equal remuneration for equal work and employment opportunities, article 10, particularly relating to status of women in family, and article 13, particularly in relation to the right to education. While recognizing that some progress has been achieved in this regard, the Committee notes with particular concern the gender differences regulating marriage and family relations.

13. The Committee takes note of the information provided by the States parties to the effect that a Labour Code is under preparation. It notes, however, that according to information provided by the ILO, this process has been under way since 1969. The Committee considers that this project should be brought to function in the shortest possible time in order to ensure full protection of the rights recognized in the Covenant.

14. The Committee is also concerned that labour laws and regulations are largely ignored or disregarded in the informal and traditional sectors of the economy and that the absence or limited presence of labour inspectors in these sectors has impeded the effective implementation of regulations relating to just and favourable conditions of work, including health and safety of the workplace.

15. The Committee is concerned over the full enjoyment of trade union rights as provided for under article 8 of the Covenant. In this regard, the Committee notes with concern that although the Constitution guarantees the right of association and the right to form and join trade unions, as well as the right to strike, these rights have on several occasions reportedly been violated in practice. The Committee has received from various sources information on concrete cases of limitations to the right to strike, and lack of effective protection of workers against anti-union discrimination including arbitrary dismissal, arrest or physical violence. In this regard the replies given by the Government to certain questions posed by the Committee cannot be considered satisfactory. No information was provided about the incidents at the Meknès, DIMAPLAST and COMANAN enterprises. The Committee is particularly concerned, however, about the lack of any response concerning the case of the two trade union activists Abdelhaq Rouissi and Houcine El Manouzi, who, according to non-governmental sources disappeared in 1964 and 1972 respectively and are reportedly still alive but detained in a secret prison.

16. The Committee is concerned about the discriminatory status of children born out of wedlock. It also expresses concern at the incidence of child labour, often even under the minimum legal age of 12, and the lack of

implementation of protective labour legislation with regard to children employed as domestic servants, in agriculture or in the informal or traditional sectors. The Committee also notes with concern that many of those children are not fully enjoying their right to education.

17. The Committee is also concerned that the economic constraints have led to a decline in the standard of living of certain segments of the population.

E. Suggestions and recommendations

18. The Committee recommends further measures by the State party to reduce existing disparities between the modern and traditional sectors of society and in particular between the rural and urban areas. In the Committee's view, particular efforts should be made to tackle the problem of discrimination against women and ensure their effective enjoyment of their rights under the Covenant. Such efforts should include both legislative measures and educational activities aimed at overcoming the negative influence of certain traditions and customs.

19. The Committee wishes to bring to the attention of the State party the need to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes. Such measures should include a system of taxation favouring direct and progressive taxes and the extension of the social security system to those categories which do not yet benefit from it.

20. The Committee recommends that the State party envisage adopting further measures to reduce the high rate of unemployment among young people.

21. The Committee recommends that the State party consider adopting relevant measures to ensure that effective sanctions are adopted and implemented in order to penalize the infringement of labour and trade union freedoms and regulations. The Committee suggests that the State party should give serious consideration to complaints concerning violations of labour regulations and trade union rights and provide judicial remedy to victims of such violations.

22. The Committee recommends that urgent steps should be taken in order to protect the workers' rights to join the trade unions of their choice, and to provide protection against arrest, imprisonment and arbitrary dismissal of their labour leaders. In the context of trade union freedoms, the Committee requests the Government to respond to the concrete issues raised in paragraph 15 above, in particular to provide information about the fate of the trade union activists Abdelhaq Rouissi and Houcine El Manouzi, by 30 September 1994.

23. The Committee recommends that measures be taken to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock, as well as any differentiation resulting from the status of parents. Similarly, the Committee encourages the

efforts currently under way to raise the minimum working age of employment and suggests that measures be taken to ensure that working children, including in the informal sector and in agriculture, benefit from relevant protection at work and effectively enjoy their right to an education.

24. The Committee recommends that more effort should be made in the area of education, particularly in the less favoured rural areas, and that an effort should also be made in the direction of reducing the apparent disparities that exist between the rate of school attendance among boys and girls.